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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/526,378	01/13/2006	Antoine Moulin	Q86683	3827

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EXAMINER
WYSZOMIERSKI, GEORGE P

ART UNIT	PAPER NUMBER
1793	

MAIL DATE	DELIVERY MODE
01/26/2009	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No.	Applicant(s)	
	10/526,378	MOULIN ET AL.	
	Examiner	Art Unit	
	George P. Wyszomierski	1793	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE *3* MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *24 December 2008*.

2a)☒ This action is **FINAL**. 2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *12-22* is/are pending in the application.

4a) Of the above claim(s) *12-16 and 21* is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *17-20 and 22* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☒ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☐ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

1. The amendment filed December 24, 2008 has been entered. Claims 12-22 are pending, with claims 12-16 and 21 withdrawn from consideration as directed to an invention non-elected without traverse.

2. Claims 17-20 and 22 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

a) In claim 17, line 20, the scope of the term “close to” cannot be determined.

b) In claim 20, the meaning of “principally contains zinc” is unclear.

c) Claims dependent upon any of the above are likewise rejected under this statute.

3. In the December 24, 2008 response, Applicant refers to an example in the specification in which a sheet is cooled to a temperature close to that of a molten bath. However, neither this example nor any other description in the specification appears to define how close the sheet must be cooled to the temperature of the bath in order for a process to fall within the scope of the claims. The examiner will give this term its broadest reasonable interpretation for purposes of examination, absent any more limiting definition of the term. With regard to "principally containing zinc", Applicant states that this means the bath is not a Zn alloy, but “a Zn bath which contains the usual impurities in addition to Zn.” This does not overcome the rejection because it is unclear how Applicant defines “usual impurities”, i.e. what these impurities are or how high a level of impurities could be tolerated in a process of the claimed invention.

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

5. Claims 17-20 and 22 are rejected under 35 U.S.C. 103(a) as being unpatentable over Higo et al. (PG Pub.No. 2001/0001049), in view of Claessens et al. (PG Pub.No. 2001/0007280) and Fujita et al. (PG Pub.No. 2004/0202889).

Higo, particularly examples 2 and 4 and Tables 3 and 7 therein, discloses preparing a slab having a composition as recited in claim 17, hot rolling, cold rolling, annealing for 35 seconds at 800.deg.C, cooling to 500.deg.C (which the examiner holds to be “close to” a temperature of a Zn or Zn-Al coating bath), and immersing the steel in the bath. With regard to composition, the examiner’s position is that at least example XXX of Higo has a composition within the limits of instant claim 17, i.e. the examiner interprets “having a chemical composition” as equivalent to “comprising”, and thus does not exclude any additional elements that may be present. As to claim 20, the Higo process is directed to both Zn and Zn alloy baths; see Higo paragraph [0053]. As to new claim 22, paragraphs [0023]-[0024] of Higo indicates that the prior art process is applicable to steels having a Mn content within the presently claimed range, and at least one specific example of Higo has such an Mn content (example XIV).

Higo differs from the claimed invention in that Higo does not specify the heating and cooling rates as recited in the instant claims. Claessens and Fujita indicate that the

presently claimed rates are conventional in the art of producing galvanized steel sheets; see Claessens paragraphs [0067] thru [0080], and paragraphs [0147] thru [0150], as well as Tables 4 and 17 and their accompanying explanations in Fujita. In both the Claessens and Fujita disclosures, the disclosed rates are directed to a process of hot rolling, cold rolling, reheating, cooling, and galvanizing, i.e. a process analogous to that of Higo and also analogous to that of the instant claims.

These disclosures of Claessens et al. and Fujita et al. would have motivated one of ordinary skill in the art to employ the presently claimed heating and cooling rates when carrying out the process as disclosed by Higo et al.

6. In a response filed December 24, 2008, Applicant alleges that the specific compositions treated in the Higo process are not the same as those employed in the claimed process, and/or that some distinctions between the compositions of Higo and those of Claessens or Fujita would render the combination of those references with Higo unsuitable. Applicant's arguments have been carefully considered, but are not persuasive of patentability because:

a) With respect to composition, at least one example of Higo in fact involves a composition as recited in the claimed process, e.g. Higo example XXX. The instant claims do not limit the process to a composition "consisting of" the recited elements. Further, paragraphs [0018]-[0042] of Higo indicate the applicability of the prior art process to a broader range of steel compositions than the specific examples of that reference.

b) With respect to the combination of references, Claessens and Fujita are cited merely to indicate that the presently claimed heating and cooling rates are conventional in the art of making hot and cold rolled galvanized steel strips, and those references clearly disclose this aspect of the claimed invention. As to any particular unsuitability (e.g. different properties or microstructure), Applicant has pointed to no specific difference in any particular aspect of a material obtained according to the claimed process and one obtained according to the prior art process.

7. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to George Wyszomierski whose telephone number is (571) 272-1252. The examiner can normally be reached on Monday thru Friday from 8:00 a.m. to 4:30 p.m. Eastern time.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Roy King, can be reached on (571) 272-1244. All patent application related correspondence transmitted by facsimile must be directed to the central facsimile number, (571)-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

/George Wyszomierski/
Primary Examiner
Art Unit 1793

GPW
January 21, 2009